

**MORRIS, MANNING & MARTIN, LLP**
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TRANSMISSION
FORM**1600 Atlanta Financial Center
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| | |
|-------------------------|---|
| TO: | United States Patent & Trademark Office |
| DATE & TIME: | January 27, 2005 |
| TOTAL PAGES: | Eight (8) |
| FAX NUMBER: | 703-872-9306 |

| | |
|--|-------------------------------|
| FROM: Morris, Manning & Martin, LLP | CHARGE TO: 14974-46922 |
| NAME: Tim Tingkang Xia, Esq. | CLIENT/MATTER: |
| PHONE: (404) 233-7000 | CONFIRMATION TIME: |
| | ____:____:____ HR MIN SEC |

COMMENTS:

RE: Serial No: 10/509,421
Filing Date: 27 September 2004
Attachments: **PETITION FOR REVIVAL OF
UNINTENTIONALLY ABANDONED APPLICATION**

IF YOU HAVE ANY DIFFICULTY WITH THIS TRANSMISSION, PLEASE CALL (404) 233-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------------|--|-----------------|-------------|
| Applicant: | Motoyuki Sugiura et al. | Examiner: | Unassigned |
| Serial No.: | 10/509,421 | Group Art Unit: | Unassigned |
| Filing Date | 27 September 2004 | Docket: | 14974-46922 |
| Confirmation No.: | Unassigned | Due Date: | N/A |
| Title: | OLEFINIC THERMOPLASTIC ELASTOMER AND MOLDING THEREOF | | |

CERTIFICATE UNDER 37 CFR 1.8(a):

I hereby certify that this correspondence is being transmitted by facsimile to number 703-872-9306, Mail Stop: Petitions, Attention: Office of Petitions, Commissioner for Patents, United States Patent and Trademark Office on January 27, 2005.

By: 

Name: Tim Tingkung Xia

TRANSMITTAL

Mail Stop: Petitions
Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
CENTRAL FAX CENTER January 27, 2005
JAN 27 2005

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Facsimile (1 page)
- ☒ Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pages)
- ☒ Petition Fee of \$1,500.00 as set forth in 37 CFR 1.17(m)
- ☒ Statement Establishing Unintentional Delay (1 page)
- ☒ Fee Transmittal (1 page)
- ☒ Credit Card Authorization Form in the Amount of \$1,200.00 for the Filing Fee (1 page)
- ☒ Credit Card Authorization Form in the Amount of \$1,500.00 for the Petition Fee (1 page)

MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road NE
Atlanta, Georgia 30326
404.495.3678
Customer No. 24728

By: 

Name: Tim Tingkung Xia
Reg. No.: 45,242
TX

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

14974-46922

First named inventor: Motoyuki Sugiura et al.

Application No.: 10/509,421

Art Unit: Unassigned

Filed: 27 September 2004

Examiner: Unassigned

Title: OLEFINIC THERMOPLASTIC ELASTOMER AND MOLDING THEREOF

RECEIVED
CENTRAL FAX CENTER
JAN 27 2005Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Two Credit Card Authorization Forms for the required Filing Fee (identify type of reply):
and Petition Fee☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

Tim Tingkang Xia

Typed or printed name

Morris, Manning & Martin, LLP, 3343 Peachtree Road NE
1600 Atlanta Financial Ctr Atlanta, Georgia 30326-1044

Address

January 27, 2005

Date

45,242

Registration Number, if applicable

404-495-3678

Telephone Number

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

January 27, 2005

Date

Signature

Tim Tingkang Xia

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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| | | | |
|-------------------|--|-----------------|-------------|
| Applicant: | Motoyuki Sugiura et al. | Examiner: | Unassigned |
| Serial No.: | 10/509,421 | Group Art Unit: | Unassigned |
| Filing Date | 27 September 2004 | Docket: | 14974-46922 |
| Confirmation No.: | Unassigned | Due Date: | N/A |
| Title: | OLEFINIC THERMOPLASTIC ELASTOMER AND MOLDING THEREOF | | |

JAN 27 2005

CERTIFICATE UNDER 37 C.F.R. 1.8(a):

I hereby certify that this correspondence is being transmitted by facsimile to number 703-872-9306, Mail Stop: Petitions, Attention: Office of Petitions, Commissioner for Patents, United States Patent and Trademark Office on January 27, 2005.

By: 

Name: Tim Tingkang Xia

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Mail Stop: Petitions
Attention: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 27, 2005

Sir:

Applicants hereby submit that the present application was deemed abandoned because when the application was filed, the required basic filing fee was not provided. The entire delay from the due date to pay the basic filing fee, September 27, 2004, until filing of this petition under 37 C.F.R. 1.137(b) today, was unintentional.

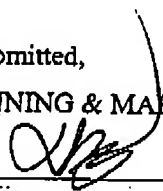
The undersigned believe the entire delay in paying the required basic filing fee was unintentional and hereby respectfully request that the petition for revival of this application be granted.

If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 404-495-3678.

Respectfully submitted,

MORRIS, MANNING & MARTIN, LLP

January 27, 2005


Tim Tingkang Xia

Reg. No. 45,242

Attorney for Applicant on the Record

MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326-1044
Phone: 404-233-7000
Direct: 404-495-3678

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/09/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$2,700.00

Complete if Known

| | |
|----------------------|-------------------------|
| Application Number | 10/509,421 |
| Filing Date | 27 September 2004 |
| First Named Inventor | Motoyuki Sagulra et al. |
| Examiner Name | Unassigned |
| Art Unit | Unassigned |
| Attorney Docket No. | 14974-46922 |

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | 1,000.00 |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES**Fee Description**

| | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | | |
|---------------------|---------------------|-----------------|----------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 20 - 20 or HP = | 0 | 0 | 0 |

HP = highest number of total claims paid for, if greater than 20.

| | | | |
|----------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| 4 - 3 or HP = | 1 | 200.00 | 200.00 |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| 70 - 100 = | 0 | 0 | 0 | 0 |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Revival Fee

Fees Paid (\$)

1,500.00

SUBMITTED BY

| | | | |
|-------------------|---|--|------------------------|
| Signature |  | Registration No. (Attorney/Agent) 45,242 | Telephone 404-495-3678 |
| Name (Print/Type) | Tim Tingkang Xia | Date January 27, 2005 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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